



Premises Licence Summary Review

**Bloc 40,
First Floor, 40 High Street, Brentwood, CM14 4AJ**

Supplementary information in support of summary review.

PUBLIC VERSION

NOTE: This document has been redacted to prevent any interference with ongoing investigations and court proceedings.

1.0 INTRODUCTION

- 1.1 Bloc 40 is a late-night licensed premises located on Brentwood High Street. It is a destination venue that attracts customers from both inside and outside Brentwood.
- 1.2 On 29 May 2021, 2 males were stabbed during a disturbance at the premises. One male has been charged with two counts of GBH and 2 others are currently on bail for affray.
- 1.3 This led to Essex Police calling for a summary review, and on the 4th June a licensing sub-committee determined the premises licence should be suspended as 'interim steps, awaiting a full hearing.

2.0 CIRCUMSTANCES LEADING TO REVIEW

- 2.1 The majority of the incidents of assault were caught on CCTV belonging to the premises and this has been provided to Essex Police as part of the investigations (Exhibit GB/01). The following is an account created from viewing this CCTV footage.
- 2.2 The suspect attempted to gain entry to the premises, but was denied multiple times by the security team. However, this decision was overridden by a member of staff believed to be responsible for bookings. This is not contained on the CCTV provided, but is mentioned in statements received by Brentwood Borough Council from the security company; [REDACTED].
- 2.3 [REDACTED]
[REDACTED]
[REDACTED] stabbed a male in the upper leg using an unknown weapon [REDACTED].
- 2.4 The victim can be seen to stagger backwards into the group of security immediately after getting stabbed. The victim was then believed to have been brought inside to receive first aid treatment from a member/members of the security team and later underwent hospital treatment for his injury. During the fighting in the smoking area, it can be seen that security staff try to break it up at the beginning, but as it continues they move to a corner and watch instead. Prior to the fight at least 2 customers can be seen consuming from bottles/drinks containers whilst standing (a breach by the premises of the coronavirus regulations requiring patrons to be seated whilst eating and drinking); despite the presence of security staff.
- 2.5 CCTV shows that the fighting then moves inside and continues in the reception area. The footage from this area clearly shows one customer attempting to use a bottle as a weapon until told not to by security. At least one other bottle can

be seen in the hands of a security team member, presumably either taken directly from a customer or picked up to prevent its use as a weapon.

- 2.6 The groups are then separated with one leaving via the front entrance and the [REDACTED] seen to be escorted to the stairs at the rear of the premises via the smoking area.
- 2.7 CCTV from the front of the premises shows the fighting resume and [REDACTED] [REDACTED] This victim required hospital treatment for the stab wound and head injuries as a result of apparently having glass smashed on his head, however, this is not captured on CCTV.
- 2.8 During the disturbance at the front of the premises, [REDACTED] [REDACTED] [REDACTED] This is the point at which the security team member that was observing the fight goes back inside the premises.
- 2.9 [REDACTED] [REDACTED] Officers from Essex Police then arrive and the footage ends.
- 2.10 It should be noted that it was at times difficult to identify members of the security team on the CCTV. All were dressed in identical black uniform consisting of a tactical vest and 'combat' gloves (highly unusual in this setting) and dark/black attire. Several were wearing hoodies and one can be seen wearing a full balaclava. Examination of individual door supervisors from a number of angles shows that none were wearing an SIA licence on their sleeves or in a translucent pocket on their tactical vests. It is a condition of a 'Front Line' SIA licence that an individual must wear their licence where it can be seen at all times when engaging in designated licensable activity (such as they were deployed). A failure to comply with licence conditions is a criminal offence under Section 9 of the Private Security Industry Act 2001. No door supervisors working outside the premises were wearing high visibility clothing (a condition of the licence).
- 2.11 Footage shows door supervisors failing to intercede on a number of occasions and outside footage clearly shows one door supervisor standing idly by as he watches a fight breakout at the entrance.
- 2.12 To assist the sub-committee when it views the CCTV footage; a timeline has been created as Appendix B.
- 2.13 Though the premises has an identification scanner to verify individuals' identities and make these available if necessary for crime detection purposes, this was not in use on the night. Clearly the search procedures (if any) on the night failed to work.

3.0 OUTCOME SOUGHT

- 3.1 Bloc 40 is a 'destination venue' frequented by a large proportion of patrons who travel the A12/ London to Shenfield corridor. On the night in question two persons were stabbed and others injured as a direct consequence in failures

how admission to the venue was managed and by an apparent total failure in how the staff from [REDACTED] managed the incidents.

- 3.2 Individual door supervisors reported that [REDACTED] [REDACTED] [REDACTED] with others in his group, been refused entry 3 times because of their demeanour but this decision was overruled by a staff member employed to look after the guest list.
- 3.3 CCTV evidence shows individual door supervisors watching on as assaults take place and indeed walking away from such assaults.
- 3.4 CCTV evidence shows apparent door supervisors dressed all in black, wearing 'combat' gloves with knuckle protectors, some with hoodies and another with a full-face balaclava. CCTV shows these door supervisors were not wearing SIA badges (as required by law) in prominent positions – if at all. Those deployed outside were not wearing high visibility clothing as required by one of the premises licence conditions and other licence conditions were also breached.
- 3.5 The manner of dress and apparent lack of activity by door supervisors is considered highly undesirable by the Chief Officer of Police.
- 3.6 In May 2019, at a meeting between the licence holder, police and council, a licensing officer from Brentwood Council pointed out to the licence holder 8 separate breaches of licensing conditions that were required to be addressed. We understand that in a separate representation that Brentwood Council licensing will evidence continued failures to abide by some of these same licence conditions.
- 3.7 In August 2019 following an incident, the premises had given an undertaking to the police (but not as a condition of the licence) that IDSCAN or similar would be in use to confirm the identity of patrons and thus deter offenders. On the night in question this device was not in use.
- 3.8 Similarly, at a meeting in January 2020, Mr [REDACTED] gave an undertaking that two door supervisors would always wear body worn video (BWV) – again, on the night in question, these were not evident.
- 3.9 **In setting out the outcome that Essex Police seeks, the Chief Officer of Police is mindful that his original summary review application sought, "Suspension of the licence to agree amendments to the licence conditions, terminal hours and training needs".**
- 3.10 It is the police view that earlier undertakings given to the police and mitigations to identified risks were not followed through and licence conditions were not adhered to ahead of the events of the night in question and indeed contributed to those events, as did the complete failure of the venue's security arrangements. Furthermore, the management took no steps to ensure its door supervisors were identifiable as such and that they complied with the law relating to the display of SIA identification.

- 3.11 Thus, the licensing authority should take a twin approach to its decision making regarding the premises licence.
- a) The first approach is one of deterrence, to both this venue's management and the management of other Brentwood venues, where a venue has failed to honour previous undertakings, failed to comply with licence conditions, failed to ensure SIA door supervisors display their licences and where these failings have contributed to serious crime and disorder.
 - b) The second approach is one of looking forward to promoting the licensing objectives and in particular prevent crime and disorder and promote public safety as regards the specific venue in question
- 3.12 That deterrence is an appropriate factor to consider upon a review of a premises licence, the case of R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350 may be considered appropriate authority. In this context considered before the High Court, remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation or suspension. Its determination was that a licensing authority was not restricted solely to remedial action.
- 3.13 Thus a suspension of the licence, as a deterrent, is a perfectly acceptable course of action for a licensing authority to take, despite Paragraph 11.20 of the Statutory Guidance issued under section 182 Licensing Act 2003 stating:
- "In deciding which of these powers to invoke (i.e. revocation, suspension, modifying licence conditions etc.), it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*
- 3.14 In particular, deterrence (to poor management and a failure to abide by previous undertakings) is explicitly countenanced by Paragraph 11.23 of the same Guidance.
- 3.15 To further promote the licensing objectives (the second approach), Essex Police has drawn up a list of modified conditions (Appendix A) which it is believed will directly address the failings identified in its assessment of the incident leading to this review. The solicitor acting for the premises licence holder has indicated his client is willing to accept these conditions.
- 3.16 The Chief Officer of Police requests the following outcome at the full licensing hearing:**
- a) Suspension of the premises licence for a period of 3 months; AND**
 - b) The modification of the premises licence conditions as set out in Appendix A of this submission.**

3.17 The Chief Officer of Police also asks that the existing interim steps (licence suspension) remain in place until the expiration of the appeal period or an appeal's determination. This is because the sub-committee's final decision is held in abeyance until the outcome of any appeal; save where it imposes interim steps.

APPENDIX A

Proposed Modifications of Licence Conditions

In addition to any period of licence suspension, Essex Police would propose the following modifications to the existing licence conditions.

Additional conditions

- 1) At all times where, as a condition of the licence, door supervisors are employed at the premises, a Clubscan/IDSCAN or similar system shall be operated at the premises. All persons entering the premises must provide verifiable ID and have their details recorded on the system.
- 2) At all times where, as a condition of the licence, door supervisors are employed at the premises, all customers entering the premises will be subject to a scan with a metal detector wand.
- 3) After midnight, no persons shall be admitted or re-admitted to the premises unless from a designated smoking area. Notices to that effect (of a minimum size of 200mm x 148mm) will be displayed at the premises' exits/entrances.
- 4) At all times where, as a condition of the licence, door supervisors are employed at the premises, at least two door supervisors will wear Body Worn Video Cameras (BWV). Recordings of BWV shall be retained for a minimum of 31 days and be made available to Essex Police or an authorised officer of the licensing authority upon reasonable request.

Door supervisors will be required to activate the recording function of such devices under the following conditions:

- a. Any use of force situations;
 - b. When it may be reasonably supposed a use of force situation is imminent;
 - c. When conducting a non-intimate consensual search as a condition of entry;
 - d. When dealing with an individual who is making threats of violence toward any other person; or
 - e. Initial scene capture where a criminal offence appears to have taken place.
- 5) On commencement of initial employment at the venue, each door supervisor shall be briefed by both a head doorman and a management representative which covers use of force, the tone to be set etc. and a record made of who delivered the briefing and to whom. This briefing will be refreshed every six months and similarly recorded.

- 6) When door supervisors are engaged and/or working at the premises, non-intimate searches of patrons or proposed patrons, will take place in areas where searching will be recorded on CCTV

Revised Conditions

Revision to existing condition 8 – to now read

- 1) All SIA licensed door supervisors engaged at the premises for the purpose of supervising customers must wear high visibility armbands and those deployed outside must also wear high visibility jackets or vests. Door supervisors are prohibited from concealing their heads or faces by the use of balaclavas/hoodies or similar items of clothing.

Revision to existing condition 5 - To now read

- 2) An incident log shall be kept at the premises and made immediately available to police or licensing authority staff upon reasonable request.

The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

Removal of Condition

Removal of condition 9 – the document referred to no longer exists.

APPENDIX B

Bloc 40 CCTV

29 May 2021 Incident timeline

3 clips (.avi format), renamed to;

- Reception
- Smoking area
- Entrance

The term 'security' refers to individuals assumed to be part of the security team, but some may also be Bloc 40 employees.

Smoking area;

Elapsed Time	Actual Time	Event
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED] - [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Reception area;

Elapsed Time	Actual Time	Event
0:00 – 2:20	01:16:21 – 01:18:42	general coming and going of customers (flashing lights can be seen showing premises is in use – unknown in what capacity i.e. nightclub, bar, restaurant etc)
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Smoking area;

Elapsed Time	Actual Time	Event
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Entrance;

Elapsed Time	Actual Time	Event
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]